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THE RETORT**COURTEOUS**

Thirty of the fifty jurymen summoned for Judge Robinson's court on the special venire for the trial of the sixty-eight Chinese gamblers appeared to answer to their names Wednesday morning, but none of them were needed.

Attorney R. W. Breckons, who had threatened the day before to exhaust the jury supply of the city, had suddenly had a change of heart and announced that he was willing to waive jury and proceed with the trial. This was agreeable to the court and the case was immediately started.

The evidence of the two members of the grand jury who had made the raid on what the court termed, for the sake of brevity, "the gambling hell," was first taken. They told how they had gained access to the room through a trapdoor in the ceiling, surprising some seventy Chinamen gathered there. At the time the jurymen appeared the inmates were not gambling, but the tables were covered with cards and dominoes.

Two Chinese informers were then examined, the cross-examination of the jury supply of a warm passage of arms between Deputy Attorney General Prosser and Attorney Breckons. The witness had told of his visit to the joint and of the gambling going on there, both fan tan and pai kau. Breckons then took him in hand and desired some information as to his occupation. It developed that the witness made a living by rustling sewing jobs for his wife, his last successful venture in this line having been made two weeks ago, when he had taken home cloth from which a shirt was to be fashioned. Breckons wanted a detailed description of the shirt, when Prosser objected.

"The next question of counsel will be, I suppose, as to who made the cloth and the size of the thread?" said the Deputy Attorney General.

"No, it won't," said Breckons, getting up out of his chair for the first time since the examination of the witness had begun; "the next question is going to be about the reason why his wahine was arrested and the charge held over by the Attorney General."

"You had better ask him, too, about R. W. Breckons, United States District Attorney, calling the witness into his office and asking him, in view of the fact that his wife had been arrested as a prostitute, what kind of evidence he was going to give in this trial," retorted Prosser, whereupon Breckons sat down, lost all interest in the shirt and withdrew the question.

The second informer was under examination when the court adjourned, the case to be resumed this morning. For the sake of those who had to stay in the courtroom yesterday, the presence of the sixty-eight defendants in the room itself was not insisted upon, these hanging about the corridors and diffusing the smell of stale opium about the Judiciary building generally.

FATHER BEISSEL DEALS WITH THE INQUISITION

Mr. C. A. Moberg.

Dear Sir: I thank you for coming out with your name and I am willing now to consider your objections with logic and fairness. I insist on reminding you that in discussing Catholic things you must first of all acquire the true Catholic notion of the Catholic thing—not the Protestant notion of that Catholic thing—which would be a fight against the "windmill." Now I am sorry to say that you have not read carefully my explanation of the famous attribute of infallibility. I gave you the Catholic notion and your objection, if you raise any, must not depart from that notion given by me. To enter into a passion or to become witty is no argument.

Today I take pleasure to approach the other objection of your former letter, on the inquisition, as I promised I would do, as soon as you would come out with your name to the public. Here also I must state that a great deal of "windmill fighting" has been done and it will take three or four articles to present to the public the true light of the true historical facts. I'll follow on this subject mostly a treatise of Jos. C. Sasia, S. J. Believe me to be, dear sir,

Yours sincerely,
JAMES C. BEISSEL.

Honolulu, Jan. 23, 1907.

ON THE INQUISITION.

(By James C. Beissel.)

Nearly all the prejudices against Rome, its religion and institutions arise from misunderstanding them; sometimes through ignorance, and sometimes through malice. If Catholicity, its history, its teachings and its methods were what they are frequently asserted to be by the enemies of the Church, our separated Christian brethren would be entirely justified in their hostility. It would then be not only their right, but also their duty to do everything in their power to counteract the baneful influence of such an institution. But as it has been shown hundreds of times, it is not the religion, the doctrines, discipline and institutions of the Catholic Church, that our adversaries persist in denouncing and reproaching, but their own misconception of them founded upon ignorance, bigotry and deep-seated prejudice. Such is the case for instance of Dr. S. E. Bishop and his malady is simply incurable. Protestant preachers are usually great sinners in this respect and God knows how far ignorance can be admitted as an extenuating plea to palliate their wrong.

Mr. Moberg calls me very aggressive. The guilt I willingly confess, is that I do not intend to hit such like a party spirit, must sit in judgment upon it. It is painful for all lovers of honor and truth to witness the floods of calumnies, misrepresentations, exaggerations and falsehoods pervading in a great measure the literature of the inquisition; but it is still more painful to see held accountable for all real and imaginary evils of that tribunal, the very personages who constantly fought against its abuses, the Popes of Rome.

It is well to remark at the outset that, except in the case of a few people, of slight education at best, who permit themselves to be taken unaware and led away, the hatred of the inquisition is confounded with the hatred of the church.

We know from their literary works, novels, plays, journals, etc., the tactics of the enemies of that institution. Their aim is to strike at the imagination, and excite the feelings by a moving picture or by a skilful and dramatic arrangement of incidents. These writers are careful not to inform their readers that the use of the torture and other severe penalties, resorted to at the time of the inquisition, entirely opposed as those means are to modern customs, was in full conformity with the penal code of past centuries, and habitually used by all the tribunals of those times in all countries. In the eyes of these writers, the moment blood is shed or fire lit, the crime is just and the tribunal is held to be in the wrong. They do not reason, they declaim; they do not try to convince their readers, but only seek to arouse their indignation. It is plain that honest men do not act in this way.

It is not that that history should be written. It should have no other aim than that of telling the truth. "It is first law," says Pope Leo XIII. "to be as true as the sun and to have no fear of telling the truth." The Church also only requires the truth, and we her defenders, do not intend to use any other weapon than that in her service. Let us, therefore, reason this matter out, and tell the whole truth concerning the inquisition, as much at least as can be done in three or four articles of this paper.

I. Origin and Nature of the Ecclesiastical Inquisition.

Above all, it is necessary to distinguish carefully the Ecclesiastical Inquisition from the Spanish Inquisition. Inquisition in general means the searching for heretics, with the view of repressing their proselytism or of converting them. In this sense the inquisition dates from the very beginning of the Church. It was always the strict duty of the Popes and Bishops to fight heresy, to prevent its spread, either by means of gentleness and persuasion, or, when these failed, by punishment.

However, by inquisition is generally understood a court of justice, called the Holy Office, ecclesiastical and also civil, established to enquire into the crime of heresy and to punish the guilty. This special tribunal only dates from the beginning of the thirteenth century, when Pope Innocent III. founded it to repress the heresy of the Albigenses and the Waldenses. Reviving the heresy of the Manicheans, these sectaries spread with their errors the spirit of revolt, and, with weapons in their hands, they threatened to destroy both the Church and the State. Every effort was made to bring them back to their duty by instruction and persuasion, but in vain. Then the

two powers thus menaced united their forces against the common enemy; to the ecclesiastical power fell the duty of ascertaining the crime, to the other that of inflicting the penalty.

The principal aim of the inquisition was the preservation of the faith by the detection and condemnation of heresy. But here we must bear in mind one important distinction as to the manner in which that tribunal was to deal with it. If there was question of heresy, that contained no principle at variance with morals, and was moreover professed without tumult or violence to the established rights of civil society, in other words, if the heretical doctrine was secret and interior, the records of the world can be challenged to produce a single instance of intolerance on the part of the Catholic Church. In such a case the Church, which does not judge of interior things—Ecclesia non judicat de interioribus—left men to their own responsibility before God, their omniscient Supreme Judge. But on the other hand, whenever there was question of heresy, that did contain or, at least, implied principles at variance with good morals and the established order of civil society, then, we freely admit, the Catholic Church was intolerant, for she, the guardian of faith, morality and public peace, could not betray the trust confided by her divine Founder to her keeping for the welfare of mankind.

The very nature of things called for the intervention of ecclesiastical judges, for they alone were competent to judge of matters of faith, and to discriminate between the Catholic and heretical doctrines. Those who find fault with this plan as carried out in Catholic Spain are compelled by the logic of facts to admit one or other of the following erroneous propositions:

(1) That the state, whose citizens in an overwhelming majority, profess the same Catholic faith, should profess no religion whatever, and consequently be atheistic.

(2) That such a state may not conscientiously profess the Catholic religion.

(3) That if it were to adopt Catholicism as the state religion, it could not conscientiously protect it.

(4) That, when it should happen to defend the adopted faith against its assailants, the settlement of religious matters in dispute could be left to incompetent judges.

It is plain that this last proceeding would be in direct opposition to the judicial practice of all civilizations, whose courts of justice are wont to base their judgments, in some special cases, on the testimony of professional experts in matters of science and art. As the old saying has it, "Credendum est in arte peritis."

This Ecclesiastical Inquisition always had for its purpose to preserve the Catholic people from the poison of heresy, and the state from the revolts, which were its usual consequence. The duty of the inquisitor was generally confided to legates or delegates, among whom were distinguished in the first rank the Sons of St. Dominic, but only from the year 1223, that is to say, twelve years after the death of their founder, which does not prevent the enemies of the Church from transforming this Saint into a Grand Inquisitor.

Instituted by the mother of all the Churches, successively introduced into nearly all the parts of the Christian world, the Ecclesiastical Inquisition was undoubtedly the work of the Roman Pontiffs, who never regretted having established it.

Quite different was the Spanish Inquisition, founded by Ferdinand and Isabella in 1481, to preserve, with the Christian faith, the Spanish nation from the conspiracies of the Jews and Moors, who feigned to be Christians in order to carry out their wicked designs against the Church as well as against the State. In this tribunal there existed two distinct jurisdictions, one of which depended upon the Church, the other upon the State. But in Spain the civil power had so great a preponderance that many historians, though far from favorable to Catholicism, consider the Spanish Inquisition as more a political than a religious institution.

We admit that Sixtus IV. did approve the first project of the Spanish Inquisition, and that he sanctioned its fundamental statute. It was from the Holy See the Ecclesiastical Inquisitors received their jurisdiction and all their spiritual power. The King, however, had obtained from the Pope the power to nominate them for the office.

In this connection it is well to remember who were the chief and first movers for its establishment. The people and the Cortes or Parliament, demanded it from the King as the only remedy to the desperate political evils of their unhappy country teeming with conspirators against the throne, as well as against the altar. And it was precisely in compliance with such urgent petitions that Ferdinand and Isabella earnestly solicited it from the Roman Pontiff. As a matter of fact the inquisition has never been established in any country without the actual connivance and consent of its temporal rulers.

All discussion concerning the inquisition may be reduced to the two following questions, which are altogether distinct from each other:

1. Was the institution of this tribunal legitimate in principle; in other words, was it in accordance with right and justice?

2. Were the proceedings of the inquisition, as we know them through reliable history, deserving of the condemnation with which they are stigmatized, and can they be made a subject of reproach against the Church?

We must not forget that in all this discussion there is no question of infidels, pagans and Jews, over whom the Church has no jurisdiction, and when the Church never pretended to constrain, but that the inquisition refers solely to Christians that is to say, to people whom regeneration by baptism had subjected to her laws. "The former," says St. Thomas, "must not be compelled to obedience to the Church; the others, on the contrary, should be coerced: 'Contra vero, alteri sunt cogendi.'"

(To be continued.)

TO BISHOP RESTARICO.

Right Rev. Bishop Restarick.

Dear Sir: Your long article in yesterday's Advertiser indulges in per-

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Personalities and the readers can judge whether this adds strength to the cause you defend.

The story you give of the boy who does not know when he was whipped reminds me of the story of another boy. When there was a fight, as it happens among boys, he watched his chance till the others had wrestled and he thought had tired his opponent so that now he easily might throw him down. But all the boys called this one a coward.

As to the Catholic you won over to your side, I congratulate you. But not noticing here any empty place, I presume that it is one of those Catholics who are conspicuous with us by their absence.

Dear Bishop, I like fair play and serious arguments in such a serious question as that under discussion. You seem to be concerned in the approvals given to you, say, by supposed bishops, priests and prominent laymen of the Roman Catholic faith. I may reply that a great number of your church members have expressed their dissatisfaction with your controversy.

But this being only a personal matter, it does not improve either your or my side of the question. I am always ready to discuss and accept an argument based on sound logic, but I hate to be a party in a quarrel for the satisfaction it may give either to your or my friends on the hearsay of either disgraced Roman Catholics or English Episcopalians.

Sincerely yours,
JAMES C. BEISSEL.

Honolulu, Jan. 24, 1907.

INFANT WICKEDLY LEFT TO PERISH

The feeble wails of an infant attracted the attention of Mrs. Lono Austin, of Kakaako, to a bundle left on the ground at the extreme end of Queen street in Kewalo last Sunday morning. An examination of the package uncovered an infant, evidently only a few hours old. The child was a healthy, white male and was objecting with all the strength of his young lungs to the way in which he was being neglected. Wrapped around the infant were two pieces of white cloth without any marks whatever of identification.

Mrs. Austin took the little Moses to her home and cared for him, informing the police as soon as possible of her find. In case the unnatural parents of the baby can not be located and made to pay for the keep of their offspring, Mrs. Austin will probably adopt the boy and bring him up. A search is being made for the ones who were cruel enough to leave the child out to die, which would have undoubtedly been its fate if its discovery had been delayed for any length of time.

GRAND JURY TO PROBE GRAFT CHARGES.

It is understood that the grand jury will hear some evidence today regarding some alleged grafting on the part of police officials during the old regime. Detective Joe Leal, who is credited with having been appointed as chief assistant to Detective Taylor, had been summoned to appear today and tell what he knows of the inside workings of the old ring. Among the other witnesses will be some of the Porto Rican denizens of the Iwilei district.

The murder charge against Muro-mura Kuchi is also to be gone into by the grand jury this afternoon.

A transcript of evidence in narrative form, being the direct testimony of E. W. Hobron, was yesterday filed in the matter of the estate of the late Frances E. Hobron, which is being considered in chambers in the First Circuit Court.

Consul Saito of Japan is quoted by an evening paper as saying: "I have not fully made up my mind on the question of that clause restricting the issuing of liquor licenses to citizens only, but I will say that it is a direct violation of the treaty now existing between my country and the United States, and that I think that it is most unfair."

CHANGES IN THE POLICE

The County Board of Supervisors intends to have something to say about the changes being made and contemplated on the police force. It is going to inquire into the reason why Republicans are being laid off or given notice of dismissal and why Democrats are going on the force in their places. Chairman Hustace can not see how this jibes with the declared intention of Sheriff Iaukea not to fire any of the police for reason of their political convictions, nor how it agrees with the resolution passed at the last meeting of the supervisors that partisanship was not to be taken into account in the making of appointments for the public payroll.

"We are going to take up the matter at the next meeting of the supervisors," said Hustace yesterday. "We passed a resolution that politics didn't go any more, applying it more particularly to the road department, but it was meant for all."

Secretary Atkinson is also of the opinion that the changes in the department are not all for the best. The old maxim of the spoils belonging to the victor he believes to be a poor policy to follow in the present state of affairs.

"If Iaukea is going to run his department on political lines, all right, but I just want to know if that is to be the case. If it is we will know how to meet it. I think it a shame that some of the changes have been made though. One officer who has been on the force for years and has been a good man has been fired and his job given to a man who has been sent to jail time and time again. That is not the right way to manage affairs."

According to statements from the Sheriff's office, the matter stands in this way. There were some officers on the force whose presence was not wanted by the new executive because the men had shown themselves such strong partisans that loyalty from them could not be expected. Others were not desirable for other reasons. These men were accordingly let out or notified that after February their services were to be no longer required. This was done before it was known that there was to be any cut in the police appropriation and other men had been appointed to fill the vacancies, chosen, as might well be supposed, from among the friends of the present Sheriff.

Then came the cut in the police payroll, making it necessary to prune down the force to meet the lessened appropriation. Naturally if the axe must be again applied its edge would be directed against those not known to be thoroughly in sympathy with the new heads of the departments, the result being that in cutting down the appropriation the Republican Board of Supervisors has legislated some of the Republican policemen out of their jobs.

It is not the desire of Sheriff Iaukea to have to cut down the number of his men, nor was it his intention to dismiss these until the action of the supervisors forced him into doing so.

Among the latest proposed changes in the department is the appointment of J. J. Fern, who will succeed Lawrence Twomey as a driver on the patrol wagon, and the letting out of Miki, the Japanese interpreter, who was notified yesterday that his services would be dispensed with after the first. There will be fewer court officers after that time, too, the money cut making this retrenchment necessary.